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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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IN RE MARIA A. TELLEZ GARCIA,

No. C 10-80163-MISC JSW

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Petitioner.

**ORDER TO SHOW CAUSE AS TO  
WHY REQUEST FOR ORDER TO  
MODIFY BIRTHDATE SHOULD  
NOT BE GRANTED**

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On June 30, 2010, Petitioner Maria A. Tellez Garcia (“Garcia”) filed a Request for an Order to Modify Birthdate on Naturalization Certificate and Request for Issuance of New Certificate. Garcia moves to correct the birthdate on her Naturalization Certificate, which is listed as May 5, 1951, to May 5, 1955. (*See* Petition, Exs. 1, 2.) Garcia makes this request pursuant to 8 C.F.R. § 334.16(b), which provides:

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Whenever an application is made to the court to amend a petition for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. No objection shall be made to the amendment of a petition for naturalization after the petitioner for naturalization has been admitted to citizenship if the motion or application is to correct a clerical error arising from oversight or omission.

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Because it is not clear that Garcia contends that the amendment is necessary “to correct a clerical error arising from oversight or omission,” the United States Customs and Immigration Service (“USCIS”) is HEREBY ORDERED TO SHOW CAUSE as to why the Petition should not be granted.

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1           USCIS's response to this Order to Show Cause shall be due by no later than July 30,  
2 2010. Petitioner may file a reply by no later than August 6, 2010.

3           It is FURTHER ORDERED that Garcia shall serve a copy of this Order on USCIS by no  
4 later than July 9, 2010, and shall file proof of such service with the Court.

5           **IT IS SO ORDERED.**

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7 Dated: July 7, 2010

*Jeffrey S. White*  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE